

AMENDMENTS TO THE CLAIMS:

Please cancel claim 12 without prejudice or disclaimer.

1. (Currently amended) A nonaqueous electrolyte battery comprising:
 - a positive electrode, a negative electrode, and a nonaqueous electrolyte,
wherein the nonaqueous electrolyte comprises a cyclic carbonate having a carbon-carbon π bond in an amount which is not greater than 20% by weight of said nonaqueous electrolyte, and
wherein the positive electrode comprises a positive active material comprising a composite oxide represented by a composite formula: $Li_xMn_aNi_bCo_cO_2$ (wherein $0 \leq x \leq 1.1$, $a+b+c=1$, $|a-b|<0.05$, $0.67 \leq c \leq 0.84$ $0 < e < 1$) and having an α -NaFeO₂-type crystal structure.
2. (Currently amended) A nonaqueous electrolyte battery comprising:
 - a positive electrode, a negative electrode, and a nonaqueous electrolyte,
wherein the positive electrode comprises a positive active material comprising a composite oxide represented by a composite formula: $Li_xMn_aNi_bCo_cM_dO_2$ (wherein $0 \leq x \leq 1.1$, $a+b+c+d=1$ $a+b+e=1$, $|a-b|<0.05$, $0.33 \leq c \leq 0.84$ $0 < e < 1$, $0 < d \leq 0.1$ $d \leq 0.1$) and having an α -NaFeO₂-type crystal structure,
wherein M comprises a member selected from the group consisting of V, Al, Mg, Cr, Ti, Cu and Zn, and
wherein the nonaqueous electrolyte comprises a cyclic carbonate having a carbon-carbon π bond in an amount which is not greater than 20% by weight of said nonaqueous electrolyte.
3. (Previously presented) The nonaqueous electrolyte battery according to claim 1, wherein the cyclic carbonate having a carbon-carbon π bond comprises at least one member selected from the group consisting of vinylene carbonate, styrene carbonate, catechol carbonate, vinylethylene carbonate, 1-phenylvinylene carbonate, and 1,2-diphenylvinylene carbonate.
4. (Previously presented) The nonaqueous electrolyte battery according to claim 1, wherein

the negative electrode comprises graphite.

5. (Previously presented) The nonaqueous electrolyte battery according to claim 1, wherein the nonaqueous electrolyte comprises a mixture of an inorganic lithium salt and an organic lithium salt having a perfluoroalkyl group.

6. (Previously presented) The nonaqueous electrolyte battery according to claim 2, wherein the cyclic carbonate having a carbon-carbon π bond comprises at least one member selected from the group consisting of vinylene carbonate, styrene carbonate, catechol carbonate, vinylethylene carbonate, 1-phenylvinylene carbonate, and 1,2-diphenylvinylene carbonate.

7. (Previously presented) The nonaqueous electrolyte battery according to claim 2, wherein the above negative electrode comprises graphite.

8. (Previously presented) The nonaqueous electrolyte battery according to claim 2, wherein the nonaqueous electrolyte comprises a mixture of an inorganic lithium salt and an organic lithium salt having a perfluoroalkyl group.

9. (Previously presented) The nonaqueous electrolyte battery according to claim 1, wherein said cyclic carbonate having a carbon-carbon π bond comprises vinylene carbonate.

10. (Previously presented) The nonaqueous electrolyte battery according to claim 1, wherein said nonaqueous electrolyte further comprises a nonaqueous solvent including at least one cyclic organic compound having no carbon-carbon π bond.

11. (Currently amended) The nonaqueous electrolyte battery according to claim 10 †, wherein said cyclic organic compound having no carbon-carbon π bond comprises at least one member selected from the group consisting of ethylene carbonate, propylene carbonate, and butylene carbonate.

12. (Canceled)

13. (Previously presented) The nonaqueous electrolyte battery according to claim 1, further comprising:

a lithium ion-permeable protective film formed on a surface of the negative electrode, said protective film comprising a decomposition product of vinylene carbonate and having a density and lithium ion permeability which are dependent upon reaction between said nonaqueous electrolyte and said composite oxide.

14. (Previously presented) The nonaqueous electrolyte battery according to claim 13, wherein said nonaqueous electrolyte comprises a nonaqueous solvent, said protective film restraining a decomposition of the nonaqueous solvent.

15. (Previously presented) The nonaqueous electrolyte battery according to claim 1, wherein an increase in thickness of said battery after an 84 day high temperature storage test is no greater than about 8%.

16. (Previously presented) The nonaqueous electrolyte battery according to claim 4, wherein said graphite comprises a modified graphite that has been modified by adding thereto at least one member selected from the group consisting of a metal oxide, phosphorus, boron, and amorphous carbon.

17. (Previously presented) The nonaqueous electrolyte battery according to claim 4, wherein said graphite comprises a combination of a graphite with one of a lithium metal and a lithium metal-containing alloy.

18. (Previously presented) The nonaqueous electrolyte battery according to claim 1, further comprising:

a separator formed between said positive and negative electrodes, wherein said positive electrode comprises a positive composite and a positive collector which is adjacent to said separator, and said negative electrode comprises a negative composite and a negative collector which is adjacent to said separator.

19. (Withdrawn-Currently amended) A method of fabricating a nonaqueous electrolyte battery, comprising:

forming a negative electrode;

forming a positive electrode comprising a positive active material comprising a composite oxide represented by a composite formula: $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{O}_2$ (wherein $0 \leq x \leq 1.1$, $a+b+c=1$, $|a-b|<0.05$, $0.67 \leq c \leq 0.84$ $0 < e < 1$) and having an $\alpha\text{-NaFeO}_2$ -type crystal structure;

forming a separator between said positive and negative electrodes;

pouring a nonaqueous electrolyte into a battery package for housing said positive and negative electrodes and separator, said nonaqueous electrolyte comprising a cyclic carbonate having a carbon-carbon π bond in an amount which is not greater than 20% by weight of said nonaqueous electrolyte; and

performing an initial charge/discharge to form a lithium ion-permeable protective film on a surface of the negative electrode, said protective film comprising a decomposition product of vinylene carbonate and having a density and lithium ion permeability which are dependent upon reaction between said nonaqueous electrolyte and said composite oxide.

20. (New) The nonaqueous electrolyte battery according to claim 10, wherein a total amount of said cyclic carbonate having a carbon-carbon π bond and said cyclic organic compound having no carbon-carbon π bond is in a range from 0.01% to 20% by weight of said nonaqueous electrolyte.

21. (New) The nonaqueous electrolyte battery according to claim 20, wherein a total amount of said cyclic carbonate having a carbon-carbon π bond and said cyclic organic compound having no carbon-carbon π bond is in a range from 0.10% to 10% by weight of said nonaqueous electrolyte.